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drawn by him and payable to her, long overdue, found in decedent's possession, allowance of the bonds as debts against the estate was erroneous; it being presumed that the bonds had not been delivered or that they had been paid.

4. Executors and Administrators (§ 59*)—Property of Decedent—Presumptions.—Where bonds and certificates of deposit were assigned to the widow by decedent, and found in her personal possession at the time of his death, it will be presumed that they are her property, and not that of the estate.

[Ed. Note.—For other cases, see 5 Va. W.-Va. Enc. Dig. 517.]

5. Executors and Administrators (§ 59*)—Husband and Wife (§ 25 (6)*)—Estate of Decedent—Ownership of Bonds.—In proceedings to settle a decedent's estate, the widow being a creditor, on a bond indorsed by him to her and reassigned to himself by signing his wife's name, held, under evidence, that decedent was acting as wife's agent, and bond belonged to widow, and not to estate.

6. Evidence (§ 265 (5)*)—Admissions of Decedent—Effect as to Heirs.—Admissions by a decedent that certain property belongs to his widow is binding upon his heirs at law and distributees, if such admissions would have been binding upon decedent, if living.

[Ed. Note.—For other cases, see 5 Va.-W. Va. Enc. Dig. 517.]

Error to Circuit Court of City of Williamsburg and County of James City.

Proceeding by Mary Lou Slater against C. H. Slater and others to settle the estate of R. B. Slater, deceased. From a decree of settlement, both parties assign error. Reversed and remanded.

Frank Armistead, of Williamsburg, for petitioners.

Henley, Hall Hall & Peachy and *T. H. Geddy, Jr.*, all of Williamsburg, for claimant.

Ex parte SMITH.

Nov. 20, 1918.

[98 S. E. 10.]

1. Infants (§ 12*)—Delinquent Children—Statute.—In view of the definition of "delinquent child" in Acts 1914, c. 350, § 1, and section 8, providing that whenever a child under 18 years of age shall be charged before any police justice with an offense embraced in section 1 a hearing shall be had on the evidence bearing upon the guilt or innocence of the child, and if sufficient to justify conviction or send

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

the child on to a grand jury, the court may proceed under the provisions of the act, is valid, and a police justice has jurisdiction to enter an order committing, as a delinquent child, the defendant in a criminal prosecution, without other initial proceedings.

2. Habeas Corpus (§ 4*)—Delinquent Children—Jurisdiction of Police Justice.—Where a police judge had jurisdiction under Acts 1914, c. 350, of a prosecution in which petitioner was committed as a delinquent child, the question whether there was a warrant containing the charge, or whether the charge descended sufficiently into detail to afford due process of law, were matters within the jurisdiction of the justice subject to proceedings on appeal.

3. Habeas Corpus (§ 85 (1)*)—Delinquent Children—Evidence.—On habeas corpus to obtain release from commitment as a delinquent child, parol evidence that petitioner was tried before a police justice on the charge of fornication is immaterial, since such charge was embraced in the charge that petitioner was a delinquent child.

4. Infants (§ 16*)—Delinquent Children—Jurisdiction of Police Justice.—That an order committing petitioner as a delinquent child erroneously stated that the charge was that of being a delinquent child, when it in fact was that of fornication, held immaterial under Act 1914, as the police justice had jurisdiction upon trial of such offense to have entered the order of commitment.

5. Habeas Corpus (§ 85 (1)*)—Commitment of Delinquent Child.—An order, committing petitioner as a delinquent child under Acts 1914, c. 350, is conclusive, on habeas corpus to obtain release, of the fact that the charge upon which petitioner was tried and committed was as stated in the order of commitment.

6. Infants (§ 16*)—Delinquent Children—Commitment.—After expiration of the day on which petitioner was ordered committed as a delinquent child, the police justice no longer had jurisdiction of the case for any purpose except the entry of an allowance of an appeal at any time within 10 days, as allowed by Acts 1914, c. 350, § 8, and Code 1904, § 4107, and a subsequently entered order, purporting to discharge petitioner from custody, is ultra vires and void.

Ex parte petition by Hazel Smith for a writ of habeas corpus. Petition denied.

R. W. Ivey, of Richmond, for petitioner.

Assistant Attorney General J. D. Hank, Jr., and *F. B. Richardson*, of Richmond, for respondent Virginia Home & Industrial School for Girls.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.